

REMARKS***Status of the Claims***

The pending final Office Action addresses claims 1-7, 9-13, 15-18, and 20-21. Claims 1-7, 9-13, and 15-18 are rejected, and claims 20-21 are withdrawn from consideration. Reconsideration is respectfully requested in view of the amendments and remarks submitted herewith.

Amendments to the Claims

Claims 20-21 are canceled as being drawn to a non-elected invention. Applicants reserve the right to pursue any form of canceled claims in a continuation application.

Claim 1 is amended to recite a “system” including “a tissue scaffold.” Claims 2-7 are amended to reflect the amendment of claim 1. Claim 9 is amended to recite a “system” including “a tissue scaffold.” Claims 10-13 and 15-18 are amended to reflect the amendment of claim 9. Support for these amendments can be found throughout the specification and drawings, for example, at para. [0011] and FIG. 1.

Rejections Pursuant to 35 U.S.C. §103

Claims 1-5, 9-13, and 15 are rejected pursuant to 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 4,683,072 to Perler (“Perler”) in view of U.S. Patent No. 4,232,670 to Richter et al. (“Richter”). Claims 1-5, 9-13, and 15 are rejected pursuant to 35 U.S.C. §103(a) as allegedly being unpatentable over Perler in view of U.S. Publication No. 2004/0204715 of Evans et al. (“Evans”). Claims 9-13 and 15 are rejected pursuant to 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 5,221,348 to Masano (“Masano”) in view of Richter. Claims 1-7, 9-13, and 15-18 are rejected pursuant to 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 5,324,273 to Discko, Jr. (“Discko”) in view of Richter. Claims 1 and 9 are independent claims, from which the remaining claims, 2-7, 10-13, and 15-18, variously depend.

None of the references cited by the Examiner disclose a “tissue scaffold,” as recited in both claims 1 and 9. Therefore, even if any of the various references were combined as suggested by the Examiner, the claimed invention would not result. It also would not have been obvious to modify any of the primary references relied upon by the Examiner (Perler, Masano, and Discko) to include a

tissue scaffold. Perler and Discko involve dental procedures unrelated to tissue scaffolds, and Masano involves a glue injector unrelated to medicine or surgery, much less to tissue scaffolds.

Accordingly, claims 1 and 9, as well as claims 2-7, 10-13, and 15-18, which variously depend therefrom, distinguish over Perler, Richter, Evans, Masano, and Discko, alone or in any combination, and represent allowable subject matter.

Conclusion

Applicants submit that all pending claims are now in condition for allowance, and allowance thereof is respectfully requested. Applicants' amendment of the claims does not constitute a concession that the claims are not allowable in their unamended form. The Examiner is encouraged to telephone the undersigned attorney for Applicants if such communication is deemed to expedite prosecution of this application.

Dated: January 26, 2011

Respectfully submitted,

By /Christina M. Sperry/
Christina M. Sperry
Registration No.: 47,106
NUTTER MCCLENNEN & FISH LLP
Seaport West
155 Seaport Boulevard
Boston, Massachusetts 02210-2604
(617) 439-2394
(617) 310-9394 (Fax)
Attorney for Applicant